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HOUSE OF REPRESENTATIVES

REPORT
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SUENG HO JANG AND SUENG IL JANG

AUGUST 5, 1986.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LUNGREN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 5016]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5016) for the relief of Sueng Ho Jang and Sueng Il Jang, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to grant the status of permanent residence in the United States to Sueng Ho Jang and Sueng Il Jang as of the date of enactment of this act. The bill further provides for the payment of the required visa fee and for the deduction of visa numbers.

STATEMENT OF FACTS

The beneficiaries of this bill are 24 and 20 year old natives and citizens of Korea who entered the United States with their parents in August 1979 as dependents of treaty traders. The parents and two brothers of the Jang's died aboard the Korean Airline 007 flight which crashed in 1983. Their father had been employed as a chief mechanic for Korean Airlines in New York since 1979. The beneficiaries are currently attending school and reside with a friend of their father's and have received financial support from various community organizations. They are also recipients of $100,000 as benefits accrued through insurance awards. The brothers' only close relative is their grandmother in Korea.

The pertinent facts in this case are contained in a letter dated July 22, 1986 from the Commissioner of the Immigration and Natu-

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ralization Service to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, July 22,1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 5016) for the relief of Sueng Ho Jang and Sueng Il Jang, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

The beneficiaries, natives of Korea, are chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

FOR THE COMMISSIONER
MARVIN T. ELY
(For Greg Leo, Director,
Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 5016

The beneficiaries, Sueng Ho Jang and Sueng Il Jang, are natives and citizens of Korea, born on October 17, 1962 and February 26, 1966, respectively.

The beneficiaries, who are unmarried, reside in Flushing, New York. Since September 1985, Sueng Ho Jang has been enrolled in the graduate school at New York University. Sueng Il Jang graduated from Forest Hills High School and is now attending Cooper Union University, New York, New York. Both are self-sufficient, with a $100,000 bank account.

All of the beneficiaries' relatives are natives and residents of Korea. Their parents and two younger brothers were killed in the tragic Korean Airlines flight 007 crash in 1983. They have no living immediate family members.

The beneficiaries entered the United States on June 3, 1983 as dependents of a treaty trader. In July 1983, their father filed for a change of status for them to that of nonimmigrant students. This application is pending and they are presently out of status, since their status is based upon their father working in the United States as an employee of a foreign company.

No administrative relief is available to the beneficiaries.

The interested party, Terri Polonyi, is a native and citizen of the United States. She presently resides in Forest Hills, New York. She is employed by the Korean Airlines and earns approximately $19,500 per year. She is married

to Joseph Polonyi, a naturalized United States citizen, who is a native of Yugoslavia. Her husband is an Aerospace Engineer and earns about $28,000 per year. They were married December 3, 1962 and have a son, born November 17, 1962, who is now attending Queensboro Community College.

Mr. Biaggi, the author of the bill, provided the following statement of support:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 1986.

Hon. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration, Washington, DC.

DEAR MR. CHAIRMAN: On June 11, 1986, I introduced H.R. 5016, For the Relief of Sueng Ho Jang and Sueng Il Jang, the elder sons of Young Tae Jang and Young Gerum Soon, who were killed in the August 1983 Korean Airline disaster. Mr. Jang had been the Chief Mechanic for Korean Airlines at JFK Airport in New York and so he and his family had originally entered the United States in 1979 under E-1 Visas under provisions of the Treaty/Trade Agreement. E-1 Visas are issued with an expiration date which is determined by the length of time a person will be employed by a foreign based company in the US, or in the case of the children, by their dates of birth and/or educational status in this country. In the case of Sueng Ho Jang, his original visa would have expired on October 17, 1983 (when he turned 21 years of age); for his brother, Sueng Il Jang, the E-1 would have expired on February 17, 1984, the date of his 18th birthday.

During the early part of the summer of 1983, the boys vacationed in Europe for 8 days. Upon reentering the United States, as they were at that time not registered in school, their passports were stamped to indicate that they had to leave the US on June 3, 1983, which according to INS regulations had priority over the date originally stamped under the terms of the E-1 Visas. Thus, in July 1983 when they applied to have their E-1 Visas adjusted to F-1 Student Visas, they were already, unknowingly, "out of status".

These young men were left some money by their father, prior to his boarding the ill-fated flight back to Korea. Since that time, they have been cared for by Mrs. Terri Polonyi of 4 Dartmouth Street, Forest Hills, New York (718/261-2775). With the death of their parents and two younger brothers and the subsequent death of their grandfather, their only relative remaining in Korea is their grandmother, Yoo Hye Kim, who resides at 151 Munryan Dong, Haepyung-Myun, Seonsan-Jun (DOB: November 24, 1917). Petitions have been filed on their behalf with the Immigration and Naturalization Service; Sueng Ho Jang's Alien Registration number is A27-071-368; Sueng Il Jang's Alien Registration number is A27-071-369.

These two boys have now lived in the United States for seven years and at this time in their lives have more ties to adopted family members here in the U.S. In light of the tragic way in which their family was killed, and which claimed the lives of an addition-

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al 265 individuals, I am respectfully requesting that your subcommittee review this case and recommend special relief for the Jang Brothers. Although some time has passed since the unjustified downing of the commercial aircraft, the boys' personal loss will be ingrained in their memory for the rest of their lives.

I hope you will respond favorably to this request before adjournment of this session of the 99th Congress. Should you or your staff have any questions pertaining to this issue, please do not hesitate in contacting my assistant, Lynn A. Lyons at 202/225-2464.

With warm regards,

Sincerely,

MARIO BIAGGI, *Member of Congress.*

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 5016 should be enacted and accordingly recommends that the bill do pass.

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